

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

Civil Action No. 1:11-cv-02365-KBF

ECF CASE

**MICROSOFT CORPORATION’S NOTICE OF JOINDER IN SAP AG AND SAP  
AMERICA, INC.’S CONDITIONAL NON-OPPOSITION TO DEFENDANT  
DATATERN INC.’S MOTION TO SUPPLEMENT THE RECORD**

Plaintiff Microsoft Corporation (“Microsoft”), by and through its undersigned counsel, hereby joins Plaintiffs SAP AG and SAP America, Inc. (“SAP”) in their Conditional Non-Opposition to Defendant DataTern, Inc.’s (“DataTern”) Motion to Supplement the Record.

In its Motion, DataTern seeks to supplement the record with the entire deposition transcript of Neeraj Gupta (“Gupta Transcript”). Dkt. No. 116. In its Conditional Non-Opposition, SAP states that although it does not oppose the submission of the entire Gupta Transcript, it is appropriate for DataTern to identify the particular testimony it believes is necessary to consider for completeness before being permitted to do so. *SAP v. DataTern*, No. 1:11-cv-02648 (S.D.N.Y), Dkt. No. 125.

Microsoft joins, and incorporates herein, SAP’s Conditional Non-Opposition. For the reasons set forth therein, DataTern should identify today the particular testimony it believes is necessary to consider for completeness before being permitted to supplement the record with the whole Gupta Transcript.

Dated: July 27, 2012

Respectfully submitted,

**WOODCOCK WASHBURN LLP**

A handwritten signature in dark ink, appearing to read 'Dale M. Heist', is written over a horizontal line.

Dale M. Heist (*pro hac vice*)

Daniel J. Goettle (*pro hac vice*)

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*Counsel for Plaintiff Microsoft Corporation*

**CERTIFICATE OF SERVICE**

I, Larry Labella, hereby certify that on July 27, 2012, I caused a true and correct copy of the within **MICROSOFT CORPORATION'S NOTICE OF JOINDER IN SAP AG AND SAP AMERICA, INC.'S CONDITIONAL NON-OPPOSITION TO DEFENDANT DATATERN INC.'S MOTION TO SUPPLEMENT THE RECORD** to be served by means of Electronic Mail on the following counsel for Defendant DataTern, Inc.:

**Lee Carl Bromberg**  
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Dated: July 27, 2012

By: /s/ Larry Labella  
Larry Labella  
WOODCOCK WASHBURN LLP